

Message Text

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ACTION EUR-12

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P 311757Z APR 76

FM AMEMBASSY BERN

TO SECSTATE WASHDC PRIORITY 2517

UNCLAS BERN 1887

EO 11652: NA

TAGS: CASC CGEN AINF

SUBJ: PRIVACY ACT OF 1974

REF: EUR CONSULAR CONFERENCE - APR 12-14, 1976

1. DURING DISCUSSION OF PRIVACY ACT AT RECENT CONSULAR CONFERENCE THE REPRESENTATIVE OF THE LEGAL ADVISER'S OFFICE STATED THAT INQUIRIES RECEIVED BY A POST REGARDING A U S CITIZEN'S WHEREABOUTS AND/OR WELFARE COULD NOT, RPT NOT, BE ANSWERED IF THE CITIZEN HAS ATTAINED HIS MAJORITY (18 AS OUR OPERATING RULE) AND HAS NOT GIVEN HIS CONSENT TO THE RELEASE OF THE INFORMATION. IT WAS STATED THAT THE ONLY EXCEPTION TO THIS PRINCIPLE WOULD BE THE CASE OF A SICK OR INJURED U S CITIZEN WHO WAS PHYSICALLY UNABLE TO GIVE HIS CONSENT AND WHOSE WELL-BEING WOULD CLEARLY BE ENHANCED IF INFORMATION ABOUT THE CITIZEN WOULD BE GIVEN TO LEGIMATELY INTERESTED PARTIES. IT WAS FURTHER STATED THAT IF THE PERSON BEING INQUIRED ABOUT HAD LEFT THE CONSULAR DISTRICT, AND WAS THEREFORE UNABLE TO GIVE HIS CONSENT TO THE RELEASE OF THE REQUESTED INFORMATION, NO INFORMATION COULD BE RELEASED ABOUT HIS ACTIVITIES IN THE CONSULAR DISTRICT. AN ILLUSTRATIVE EXAMPLE GIVEN AT THE CONFERENCE WAS THE CASE OF A PERSON ABOUT WHOM IT WAS KNOWN FROM HOST GOVT RECORDS THAT HE ENTERED AND LEFT A COUNTRY ON CERTAIN DATES. SUCH INFORMATION WOULD INDICATE TO CONCERNED PARENTS AND OTHERS THAT ON THOSE DATES THE PERSON WAS ALIVE AND WELL ENOUGH TO TRAVEL AND WOULD FURTHER GIVE SOME INDICATION OF THE DIRECTION OF TRAVEL. IT WAS STATED AT THE CONFERENCE THAT SUCH INFORMATION COULD NOT BE RELEASED SINCE THE CONSENT

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OF THE INDIVIDUAL COULD NOT BE OBTAINED.

2. IN THE ABSENCE OF WRITTEN GUIDANCE ON THIS ISSUE, WE WOULD APPRECIATE TELEGRAPHIC CONFIRMATION, OR CORRECTION, OF THE GUIDELINES SET FORTH PARA 1. THE EMBASSY HAS RECEIVED A CONGRESSIONAL INQUIRY ON BEHALF OF THE PARENTS OF AN AMERICAN CITIZEN CONCERNING THE CITIZEN'S WELL-BEING. THE CITIZEN, HOWEVER, HAS LEFT SWITZERLAND AND THE EMBASSY IS UNABLE, THEREFORE, TO OBTAIN HER CONSENT TO RELEASE OF THE INFORMATION.
DAVIS

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NNN

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*** Current Classification *** UNCLASSIFIED

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